

REMARKS

Claims 21-24, 27, 29, 31, 33, 35-36 and 69 are pending. Claims 21-24, 27, 29, 31, 33, 35-36 and 69 stand rejected. Claim 21 has been amended.

Support for the amendment to claim 21 can be found in the specification, for example, in Figure 6 and in Example 9 (page 27, line 7 to page 28, line 8).

Rejection under 35 U.S.C. § 102(e)

Claims 21-24, 27, 29, 31, 33, 35-36 and 69 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication No. 2002/0071825 ("Schall").

Applicants submit concurrently herewith a Declaration under 37 C.F.R. § 1.131, along with Exhibits A and B, which proves a date of invention for the claimed subject matter prior to April 21, 2000, the priority date of Schall. Applicants note that the Declaration is signed by both Alain Vicari and Christophe Caux, the two inventors for this application (please see applicants' previously filed Amendment and Response, Request to Correct Inventorship, and Declarations, all of which were filed on May 13, 2003). Therefore, the Schall reference is no longer available as prior art. Accordingly, withdrawal of the rejection of claims 21-24, 27, 29, 31, 33, 35-36 and 69 under 35 U.S.C. § 102(e) is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 21-24, 27, 29, 31, 33, 35-36 and 69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application Publication No. EP 0 974 357 A1 ("Caux"), in view of PCT International Publication No. WO 98/14573 ("Luster") and a reference having the title "Regulation of dendritic cell trafficking: a process that involves the participation of selective chemokines" ("Dieu-Nosjean").

The subject matter relating to MCP-4 in Caux describes applicants' work and does not qualify as prior art against the pending claims. Luster relates to MCP-4 and its use to enhance an immune response. Dieu-Nosjean is a review article relating to dendritic cells.

Applicants have amended claim 21 to recite a method for enhancing a humoral immune response.

Applicants submit that the above cited references, either alone or in combination, do not render amended claim 21, and the claims that depend therefrom, obvious. The Declaration under 37 C.F.R. § 1.132 by Alain P. Vicari, along with Exhibit A, both of which were submitted with applicants' previous Supplemental Response of January 30, 2004, demonstrate that hMCP-4 injection increases the antigen specific humoral response following DNA immunization, whereas hMIP-3 α does not. In fact, hMIP-3 α did not exhibit any increased effect over the control plasmid pLacZ. As stated in the Vicari Declaration, such a result would not have been expected.

Therefore, applicants submit that the claims, as amended, are not obvious in view of Caux, Luster and Dieu-Nosjean. Accordingly, withdrawal of the rejection of claims 21-24, 27, 29, 31, 33, 35-36 and 69 under 35 U.S.C. § 103(a) is respectfully requested.

CONCLUSION

Applicants submit that the claims are novel and not obvious in view of the cited references. Accordingly, reconsideration of the rejections and allowance of the claims at an early date are earnestly solicited.

If the undersigned can be of assistance in addressing issues to advance the application to allowance, please contact the undersigned at the number set forth below.

Respectfully submitted,



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